

**WESLEY T. GREEN SBN #201107**  
CORPORATE COUNSEL  
P.O. Box 1350  
9500 S. DeWolf Ave.  
Selma, California 93662  
Telephone: (559) 834-6677  
Facsimile: (559) 834-4848  
wgreen@lionraisins.com

Attorney for Plaintiff, LION RAISINS, INC.,  
a California corporation

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**  
**FRESNO DIVISION**

LION RAISINS, INC.,

Plaintiff,

vs.

UNITED STATES DEPARTMENT OF  
AGRICULTURE,

Defendant.

Case No.: 1:08-CV-00358-OWW-SMS

**STIPULATION AND ORDER TO REVISE  
RENEWED MOTION FOR SUMMARY  
JUDGMENT SCHEDULE**

**I.**

**RECITALS**

1. On December 31, 2009, Plaintiff LION RAISINS, INC. ("Lion") filed its Renewed Motion for Summary Judgment, as to Count IV, Filed May 4, 2009 and supporting declaration of Wesley T. Green, with a hearing on said motion to be heard on March 8, 2010.

2. On February 19, 2010 Defendant UNITED STATES DEPARTMENT OF AGRICULTURE filed its Opposition to Plaintiff's Renewed Motion for Summary Judgment, as to Count IV, Filed May 4, 2009, and supporting declarations of David W. Trykowski and Anthony Giannetta.

3. On March 2, 2010, the Court moved the hearing on Lion's Renewed Motion for Summary Judgment as to Count IV, Filed May 4, 2009, to May 3, 2010 due to the press of business.

**II.**

**STIPULATION**

Plaintiff's counsel has requested, and Defendant's counsel has agreed, to revise the Renewed Motion for Summary Judgment Motion Schedule.

The parties, by and through their respective counsel, hereby stipulate to revise the Renewed Motion for Summary Judgment, as to Count IV, Filed May 4, 2009, schedule. Based on the stipulation of the parties, and for good cause shown, the parties request that the Court adjust the Renewed Motion for Summary Judgment schedule as follows:

<u>EVENT</u>	<u>CURRENT DATE</u>	<u>PROPOSED DATE</u>
Reply to be filed	April 26, 2010	June 21, 2010
Hearing (10:00 a.m.)	May 3, 2010	June 28, 2010

Dated: April 21, 2010

Respectfully submitted,  
LION RAISINS, INC.

By: /s/ Wesley T. Green  
WESLEY T. GREEN  
Corporate Counsel  
Attorney for Plaintiff

Dated: April 21, 2010

BENJAMIN B. WAGNER  
United States Attorney

[As authorized on April 21, 2010]

By: /s/ Benjamin E. Hall  
BENJAMIN E. HALL  
Assistant U.S. Attorney  
Attorneys for Defendant

IT IS SO ORDERED.

Dated: April 23, 2010

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE